

AO 440 (Rev. 10/93) Summons in a Civil Action

United States District Court

DISTRICT OF DELAWARE

SUMMONS IN A CIVIL CASE

JOSEPH DANIEL WAUHOP,

V.

CASE NUMBER: 05 - 310

XYBERNAUT CORPORATION,
EDWARD G. NEWMAN, STEVEN A.
NEWMAN, M.D., and THOMAS D. DAVIS,

TO: (Name and address of defendant):

Grant Thornton LLP
c/o The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Jessica Zeldin, Esquire
Rosenthal, Monhait, Gross
& Goddess, P.A.
919 N. Market Street, Suite 1401
P. O. Box 1070
Wilmington, DE 19899-1070

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO

CLERK

5/18/05
DATE

Brian T. Moore
(BY) DEPUTY CLERK

RETURN OF SERVICE

| | |
|------------------------------------------------------------------|------------------------|
| Service of the Summons and Complaint was made by me ¹ | DATE 5/19/05 |
| NAME OF SERVER (PRINT) PEARCE ANDERSON | TITLE Legal Courier |

Check one box to indicate appropriate method of service:

- ☐ Served personally upon the defendant. Place where served: _____
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- ☐ Returned unexecuted: _____
- ☒ Other (specify): Brian Pearce For Grant Thornton LLP
-c/o The Corporation Trust Company 1209 Orange ST
Wilmington, DE 19801

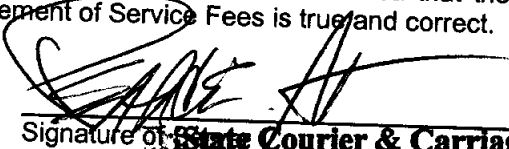
STATEMENT OF SERVICE FEES

| TRAVEL | SERVICES | TOTAL |
|--------|----------|-------|
| | | |

DECLARATION OF SERVER

I declare, under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 5/19/05
Date


Signature of **State Courier & Carriage, Inc.**
327 King Street
Wilmington, DE 19801
 Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.